



Leclaire

Freedom of Debate and Liberty of Public Discussion

S P E E C H

BY

The Rt. Honourable Sir Wilfrid Laurier

P.C., G.C.M.G., M.P.

(Leader of the Opposition)

Against the Introduction of The Closure in the House of Commons of Canada

As proposed in a Resolution moved by the Prime Minister,
the Rt. Honourable R. L. Borden, M.P., on April 9th, 1913;
together with a brief account of the manner in which this
obnoxious measure was introduced.



Published by the Central Information Office
of the
Canadian Liberal Party, Ottawa, Canada
(Publication No. 13)

1913

Jc 599

C3

L38

1813

The Introduction of the Closure in the Canadian House of Commons.

On April 9th, the Rt. Hon. R. L. Borden, M. P., introduced in the House of Commons amendments to the rules of the House for the purpose of limiting the freedom of debate and public discussion by a process commonly referred to as "the closure" "the gag" and "the guillotine". Drastic and objectionable as were the proposed amendments, the method by which it was sought to have these measures forced upon the Opposition surpassed for arbitrary and hypocritical procedure, any incident known to the Canadian Parliament. In a speech glittering with professions of fair play, the Prime Minister assured the members of the House that in his mind, and in the purpose of the government, there was no desire to curtail the liberty of speech and the freedom of debate, no intention "to take away from any honourable gentleman on the other side of the House any legitimate right he now possesses".

The Rt. Hon. Mr. Borden's Professions and Practice Compared.

"No one is more ready than I to acknowledge that liberty of speech and freedom of debate must be preserved" was the way in which Mr. Borden began his speech in support of the amendments he was proposing; and "my honourable friends are very suspicious; I think they should be prepared to accept my word in the matter" was the manner in which he sought to remove all doubts as he proceeded. Replying to Sir Wilfrid Laurier's observation on behalf of the Opposition that the amendments meant the "holding a terror" above their heads, Mr. Borden spoke words so fair that it is almost inconceivable they could have been uttered by one who had in his breast at the time the guilty knowledge of the betrayal of these professions which was so quickly to follow. Speaking as the Prime Minister from his seat in Parliament, "Not at all", he said to Sir Wilfrid, "that is not the way in which I would desire to exercise a power of this kind. I would think that if this rule passes, things might go on in future just as they have in the past. I would always ask my right honourable friend what length of time he desired to conclude any particular debate, and I would hope that in future we would be able, as we have been in the past, to come to some conclusion without invoking these rules. I would hope that would be the case. I am not disposed, as I think even my honourable friends on the other side of the House will admit, to use unfairly any power that I might possess. I would think that any reasonable doubt as to the time within which a debate should be concluded ought to be resolved in favour of the minority. I will go so far as to say that the object of bringing these rules into force is not for the purpose of repressing the minority or taking away the right of liberty of speech, but purely for the one overmastering reason, namely, that the parliament of Canada may not become a byword and a reproach, and that it may be able to transact public business".

This not sufficient, Mr. Borden added, "The rules that are put in force must of course, be exercised prudently and fairly. It would not be to the interest of any government to exercise them unfairly. . . . I can only say that I commend the rules to the consideration and approval of honourable gentlemen on both sides of the House in the full conviction that they have been drawn up in such a way, and with such provisos and safeguards, that honourable gentlemen on the other side of the House will be absolutely secured of their full rights of speech with regard to any public measure that may be presented for the consideration of this Parliament. . . . All that we desire—and I speak in the most absolute sincerity to honourable gentlemen opposite—is to bring about such conditions as will permit to each and every one of them all reasonable freedom of debate, and at the same time permit the government and the majority in this House to go on in a reasonable way with the public business of the country.

The echo of these words was still to be heard in the chamber of the House of Commons when Sir Wilfrid Laurier, rising as Leader of the Opposition to speak in reply to Mr. Borden, was denied the constitutional right, the time honoured and most universally conceded privilege of answering the Prime Minister and of conveying to Parliament the views of the Opposition with respect to a public measure of first importance and of grave national concern. In this particular instance it so happened that the measure was one more important and far reaching in its possible effects than any introduced in the House since Confederation. The first vote to deny this right to Sir Wilfrid Laurier was cast by Mr. Borden himself, and the method taken was such as to make it impossible to believe that there was not intended by it, with the knowledge, consent and active participation of the Prime Minister a studied insult to the veteran Statesman who today is the oldest member of the Canadian House of Commons, and who for over 25 years as the leader of the Liberal party in Canada has been the most chivalrous of opponents, and for fifteen years as Prime Minister of the Dominion, the most distinguished figure in Canadian public life.

How Sir Wilfrid Laurier was Prevented from Replying to Mr. Borden.

The pre-arranged plan as carried out was as follows: Mr. Borden having concluded his speech, Sir Wilfrid immediately rose to reply; Mr. Hazen, the Minister of Marine and Fisheries rose at the same time. The Speaker, following the custom of Parliament, recognized Sir Wilfrid, who was proceeding with his speech, when members of parliament on the Conservative side of the House began pounding their desks with a view of making it impossible for Sir Wilfrid to be heard and of attracting the Speaker's attention to the circumstance that Mr. Hazen was also standing. The Speaker, whose duty it is to preserve order, was obliged to rise and inform the House as to who, according to his judgment, had the floor and the right to speak; this he did in the following words: "The Honourable member for East Quebec, (Sir Wilfrid Laurier) is accorded the floor." No sooner was this said than Mr. W. B. Northrup, Conservative

member for West Hastings, rose from his seat and drew from his pocket a resolution prepared in advance. This produced a storm of protest from the Liberals. As soon as quiet could be restored, Mr. Northrup proceeded to read aloud. The resolution was for the purpose of enabling the House to take a vote to prevent Sir Wilfrid Laurier, notwithstanding that the Speaker had accorded him the right, from speaking. Never before in the history of the Canadian Parliament has a resolution under the rule cited been presented. The proceedings as recorded in *Hansard* are as follows:—

"Mr. W. B. Northrup (Hastings East): I rise under rule 17, Mr. Speaker, which rule, if I may be allowed to read it to the House, is as follows: (*)

"When two or more members rise to speak, Mr. Speaker calls upon the member who first rose in his place but a motion may be made that any member who has risen 'be now heard' or 'do now speak', which motion shall be forthwith put without debate.

"Under that rule of the House, I beg to move, seconded by Mr. Blain, member for Peel:

"That the Minister of Marine and Fisheries, being the member for the city and county of St. John, be now heard.

"SOME HON. MEMBERS: Shame.

"SIR WILFRID LAURIER: When you have got a majority in this House, that is what we have to expect from you—shame."

A moment later Sir Wilfrid rose to a point of order, stating that the motion as presented was not correct, that it should state that he as well as the Minister of Marine and Fisheries had risen. Mr. Borden at once intervened to prevent this fact being recorded saying "The motion is precisely in the form provided by rule 17." The Speaker following the wish of the Prime Minister refused to consider any amending of Mr. Northrup's motion, and the members

*A persistent effort has been made by the Conservative press to have it appear that Sir Wilfrid Laurier while Prime Minister was responsible for the introduction of Rule 17 which gives to any member of the House the right to demand that in the event of two members rising at the same time, a vote shall be taken to ascertain which of the two shall be heard. This allegation is wholly without foundation and an absolute misrepresentation of the facts. The rule has been one of the rules of the House ever since Confederation, but has never been made use of. The Speaker's ruling has always been regarded as sufficient. Moreover, it is impossible to conceive that it was ever contemplated by those who framed this rule that it would be used as a means of destroying the universally conceded custom of affording to the Leader of the Opposition the right of reply to the Leader of the Government in regard to any measure of public importance. Sir John Bourinot who is the leading authority on procedure in the Canadian Parliament says: "It is usual to allow priority to members of the Administration who wish to speak, and in all important debates it is customary for the Speaker to endeavour to give the preference alternately to the known supporters and opponents of a measure or question; and it is irregular to interfere with the Speaker's call in favour of any other member."

When in 1906, the rules of the House of Commons were revised, there was added to rule 17 the words, "which motion shall be forthwith put without debate". This is the only change for which Sir Wilfrid Laurier's government was responsible. It will be seen that this amendment relates to the method by which a motion shall be decided, but has nothing whatever to do with the motion itself. What the Liberals in Parliament objected to was not that the motion to give the floor to Mr. Hasen was put without debate, but that it was presented at all. In other words, that a rule which was intended as a means of enabling the House to decide as to which of two members should be heard where the House objected to the Speaker's ruling, should have been made an instrument to destroy the accepted usage of Parliament of the Leader of the Opposition being accorded the right of following the Leader of the government.

were called upon to vote as to whether or not Mr. Hazen should be allowed to speak instead of Sir Wilfrid Laurier, and this, as already mentioned, notwithstanding the fact that the Speaker under the rule of the House that "when two or more members rise to speak, Mr. Speaker calls upon the member who first rose in his place" had already accorded the right to Sir Wilfrid. Mr. Borden was the first to vote, and his vote was in favour of giving the floor to Mr. Hazen and of denying the right of speaking to Sir Wilfrid. Mr. Borden's example was followed by every Conservative member present and every Nationalist with the exception of a few.

How Amendments to the Government's Drastic Proposals were Arbitrarily prevented.

Having by the brute force of their majority made it impossible for Sir Wilfrid Laurier to speak, Mr. Hazen, then, on behalf of Borden and his followers in the House presented a motion which has only been made on three occasions since Confederation. This motion was intended to make it impossible for any one, Sir Wilfrid or even Mr. Borden himself, to amend in any particular, the drastic changes proposed and of limiting all discussion upon them. This purpose was carried out by Mr. Hazen moving, seconded by Mr. Cochrane, the Minister of Railways and Canals what is technically called "the previous question", namely that "this question be now put", the effect of which is to make all amendments impossible.

As the rules of the House can be amended simply by the adoption of a resolution, without any second or third reading, or discussion in Committee as is the case in the passage of a Bill through the House, and further, as the Senate has no rights or powers in the matter, one way or the other, it will be seen that no more arbitrary or brutal course could have been taken by a government to prevent discussion on a measure which involves the whole question of the liberties of Parliament as respects freedom in debate and the right of free speech. Yet all this, as is now quite plain, was carefully worked out by Mr. Borden and his colleagues in advance. Mr. Borden was to talk "fair play", Mr. Hazen was to rise when Sir Wilfrid rose, so that the Speaker would have to choose between them, Mr. Northrup was to have a written motion in his pocket, and his authorities lying open on his desk before him, Mr. Borden was to give the lead in favor of gagging Sir Wilfrid by being the first to rise and cast his vote against Sir Wilfrid being heard, the other Ministers of the Cabinet were to do likewise, and every member of the party, under pressure of what would happen if he dared to do other than follow the leaders, was to do the same, and the Nationalist allies were to be duly brought into line. By the sheer circumstance of brute majority secured in this way, Sir Wilfrid was to be prevented from speaking, until the motion was carried, precluding the possibility of any amendment. Mr. Hazen, with the privilege to speak secured, was to move that "the question be now put" so that all right of moving amendments shut off, the party by its force of numbers might jam the closure through, denying thereby to the people of Canada the dearest of their liberties as British subjects, the right of free discussion through their representatives in Parliament on matters pertaining to the public weal.

The plan was carried out to the letter, rules devised to secure the freedom of Parliament were forged into weapons to prevent debate, the most sacred precedents were set at nought, the high office of Speaker was made the pivot of a political machine, and this desecration of dignity and right and honour, was carried out by the Prime Minister in the name of "fair play", the security of "the full rights of speech" and "the reasonable freedom of debate". Little wonder that Sir Wilfrid Laurier, speaking later in the day after the motion preventing him from moving an amendment had been adopted should have been led to exclaim, "We are in the minority; we can be gagged; we can be prevented from expressing our opinions; they can trample upon our rights. But, Sir, the day of reckoning will come, and it will come as soon as we have a dissolution of the present Parliament".

The full text of Sir Wilfrid Laurier's speech on this occasion is as follows:—

SIR WILFRID LAURIER'S SPEECH.

SIR WILFRID LAURIER: The spectacle of which we were witnesses when the right hon. Prime Minister concluded his remarks and placed in your hands, Mr. Speaker, the motion now before the House, was a very apposite commentary upon the speech of my right hon. friend. All through that speech the right hon. gentleman stated and reiterated that the object of the Government in proposing this new resolution was not to impede in any way the freedom of debate or to prevent free discussion, but simply to avoid the abuse of it. My right hon. friend was profuse of declarations that the minority, when these rules have been adopted, can always rely upon fair play; but the words were scarcely out of his lips when we were brought to realize how much fair play we may expect at the hands of hon. gentlemen opposite.

Constitutional Rights and Privileges Ignored.

By the unwritten law of Parliament, not to speak of the courtesy which generally prevails between the two sides of the House, it is expected that when the Prime Minister brings an important measure to the consideration of the House, the Opposition, by its leader, shall be allowed to present the views which are entertained on the other side. Firmly entertaining that impression, I rose to my feet: but great was my surprise when I saw the Minister of Marine and Fisheries (Mr. Hazen) had risen at the same time. You saw him, Mr. Speaker, and you saw me, and, in the exercise of that authority which belongs to your office, in the exercise of that fair play which had been promised us not five minutes before, you called on me, as leader of the Opposition to take the floor. And, I presume, still exercising that fair play which we were promised by the leader of the Government in introducing these rules, the hon. member for East Hastings (Mr. Northrup) asked the House to take from me the privilege which was mine by constitutional

right, and to give it to a member of the Government. And, Sir, every member of the House on that side, including the right hon. gentleman who had only a few moments before promised fair play rose to impose a gag upon me, and to prevent me from expressing the views of the Opposition with regard to this very important question. When I saw my hon. friend the Minister of Marine and Fisheries rising and insisting upon his right to speak, I concluded that he had some great announcement or some important deliverance to make upon this question. But no; he had not a word to say, but to apply closure in anticipation by moving the previous question. What does this mean? What is the conclusion?

Some hon. MEMBERS. Oh, oh.

Other hon. MEMBERS. Laugh, laugh.

Sir WILFRID LAURIER: Sir, it means this: closure in anticipation. I had a motion ready to move in amendment; I cannot move it now—

Some hon. MEMBERS. Oh, oh.

Sir WILFRID LAURIER:—And, by the cheers of the gentlemen who know that I am precluded from moving that motion, I see what measure of fair play we have henceforth to expect.

The Rules of Parliament Destroyed.

Sir, my right hon. friend when he rose to speak, was tumultuously cheered by his friends. These plaudits I thought a tribute of the loyalty of his followers to their leader, and so I thought they were quite in order; but, I reflected that, considering the motion which he had to make and the mission which he had imposed upon himself, perhaps it would have been better taste if he had been allowed to proceed in silence. I understand those plaudits better now after beholding the spectacle which closed his speech. There is some reason to believe that my right hon. friend had no particular relish for the task which he had set for himself, the task of gagging free speech. But my right hon. friend must proceed, whether he relishes it or not. He is like the person in the French novel who said: 'I must follow them, since I am their leader'! I understand now that the plaudits and cheers were meant to urge him upon a most uncongenial task. Because the task which my right hon. friend imposed upon himself this day was not to improve the rules of the Polish Diet. The task which he set himself to accomplish, and which the majority will accomplish, I have no doubt, was simply to put a gag upon the rules which we in this House have looked upon almost as sacred, and which have come to us from the Mother of Parliaments. These rules were not made in a day; they are the embodiment of the wisdom of many generations of statesmen and the result of the experience of men whose whole life was devoted to the public welfare, and who brought British institutions to the degree of excellency which they had reached at the time Confederation was established.

We have heard it stated that these rules are antiquated. I do not admit that at all. These rules are not antiquated. They were not made for a day or for a period; they were made for the ages.

It can be said of them, as has been said of the maxims of civil law which have come to us from the Roman jurists, and which are the basis of the civil law of most of the nations of Europe, that they are reason crystallized into writing. The maxims of the civil law have been applied to the relations of the people in daily life, and the maxims of our parliamentary procedure have been accepted as the duties of the transaction of business in all deliberative assemblies.

Sir, these rules are to be swept away, they are to be ridden over rough shod; they are to be put aside, and we are to have the gag substituted for them. And what is the pretence? The pretence is that there has been obstruction in the House. Sir, if obstruction be a fault, if obstruction be an offence, I call upon the man on that side of the House who is without guilt to cast the first stone. I read in some Conservative newspapers that obstruction was the murderer of parliamentary government. I do not here now challenge the statement; but if obstruction be the murderer of parliamentary government, the murderers are on that side of the House, and not on this. My right hon. friend has experience, and he will experience still more, that as you sow, so shall you reap; and Sir, it does not lie in his mouth or in the mouth of his followers to say that there has been obstruction in this House by the parliamentary minority.

The Effect of Closure.

My right hon. friend, as usual, has attempted to justify his course by opinions of Liberal newspapers and Liberal members of Parliament. True it is that in the party to which I belong there are men who were in favour of closure, just as in the party of my right hon friend there are men who were opposed to closure. My right hon. friend has quoted with great relish the opinions of the *Toronto Globe* and the *Manitoba Free Press*. I do not observe that he has quoted the opinion of the *Ottawa Citizen*. If he had prolonged his investigations and pursued them in the press of his own friends, he would have found something which perhaps would have induced him to act differently, because in the *Citizen* of to-day I find in the course of an article of one column in length directed against closure, these words:

'The closure will not better matters in the least, it will pass the Bill, but a Bill which will represent \$35,000,000 plus bitterness, plus protest, plus division'.

It is true that in these matters there may be divided opinions. My right hon. friend has quoted the opinions of some friends of myself. But, Sir, I also have the honour to belong to the great Liberal party of Canada. I have occupied a position of some importance in it; nay, I may say that for twenty years and more I have been entrusted with its chief command. During the fifteen years I was in office it sometimes happened that friends came to me and told me that I was not doing justice to myself or to the party, but that I should impose closure, as had been done in many other parliaments. Sir, I am a Liberal of the old school; I have been brought up in the school of Fox and of the old leaders of the Liberal party; and I could not bring myself to the point of depriving a

minority in Parliament of such a valuable weapon as it would be deprived of by the introduction of closure. Perhaps I was wrong; perhaps I was too generous. Nay, I was not; I would rather stand here to-day, having refused, after the fifteen years of my administration, to impose closure, and having decided to abide by the old rules. The rules of the House are intended to apply to the discharge of the duties which the House owes to the country, and to the Sovereign. The first business of the Government, the first business of Parliament, the first business of every member of this House, whether he sits on this side of the Speaker's chair, or on the other side, is to carry on the King's Government.

The Government and not the Opposition Responsible for Delay in Business of Parliament.

It has been charged against us that we have delayed the business of the House, that we have prevented it from going on. Sir, I deny the charge altogether; there is not a word of foundation for it. If the business of the House is not more advanced than it is, the fault cannot be laid at our door, but at the door of the other side. It is quite true that when we came to the first of April, Supply had not been voted, and the financial year was at an end; but if Supply had not been voted before that, whose fault was it? Was it that Supply was demanded and was refused?

Some hon. MEMBERS: No.

Sir WILFRID LAURIER: Everybody knows that each time Supply was demanded, we granted it without hesitation. Everybody knows that when my right hon. friend came to me and asked for a vote on account, I agreed without any hesitation and with unstinted hand, perhaps too unstinted indeed. Everybody knows that whenever a measure of public importance was brought to our attention we gave it our best consideration, and it was passed. When the Bill for the renewal of the bank charters was brought to our attention, there was not a word said on our side to oppose it. We discussed it fairly; we discussed it completely, but we offered no obstruction to it. When the Bill to ratify the Japanese treaty was introduced, there was not a word on our side which went to oppose the passage of that Bill. And so it has been with every measure. It is true, Sir, that we oppose a certain measure. It is true that we opposed their Bill for naval aid. We did that with all the might at our command; we did it with all the means at our command under the rules of the House. Am I to be told that in exercise of this power of strenuous opposition we did anything which is not in accordance with the best traditions of parliamentary government? Sir, at all times in this House, at all times in the Mother of Parliaments, there have been questions upon which the minority thought it owed it to themselves to offer the most vigorous opposition possible. Under the rules of the House it is expected that the two sides of the House shall carry on the business, as was stated by my right hon. friend to-day, and so it is generally; but there are occasions. I repeat, when an opposition or a minority owes it to itself, on account of the strong views it holds upon some public measure, to oppose that measure with all the force at its command.

When Obstruction is and is not Justifiable.

This is not a modern doctrine. This doctrine has been in force at all times in the British House of Commons. It goes back to the days of Charles I; the books are full of references to it. The leaders of the House in the time of Charles I, in the struggle against the King to uphold the constitutional rights of the people of England, presented to the King what they called the Grand Remonstrance, and the presentation of the Grand Remonstrance was opposed all night by some members until, it is stated in the books, the House looked like a starved jury. That was an occasion when obstruction failed of its purpose. On another occasion, in 1771, the majority of the House did not want to allow the publication of the debates. That strange position was opposed by a majority headed by no less a man than Edmund Burke, and Burke by whole days of obstruction succeeded in defeating the object of the majority, and as he himself said afterwards, 'posterity will bless the pertinacity of that day'. On that occasion the obstruction was successful. Later on, in 1831, at the time of the passage of the first Reform Bill, the Tories of that day, the strong and unbending Tories of that day, opposed the Bill with all the vigor that they could command, but they had to succumb. On that occasion obstruction did not succeed. Later on, in 1833, Daniel O'Connell availed himself

'On the very day of the introduction of the Bill—'

That was, Earl Grey's Irish Coercion Bill—

'—of the antiquated expedient of a call of the House, with the intention of delaying the proceedings. The first reading of the Bill occupied several sittings, the Irish members having threatened to take refuge in repeated formal motions for adjournment if any attempt was made to close the discussion prematurely'.

This was repeated in 1843. Then, we come to the year 1881, when, as we know, the Irish members resorted to obstruction under the direction of Parnell, in order to obtain long-sought satisfaction for Ireland. Sir, there is no man in this House, I am sure—nay, the man who is most devoted to British interests, the greatest admirer of England, must admit that if there is a page in British history which he would like to have erased, it would be the dealing of England with Ireland. That has been the only black page in modern British history. But it is to the credit of the Liberals of the present day and of the last generation that at last they have staked their political existence upon the task of giving some redress for the grievances of Ireland.

In 1881, as was stated by my right hon. friend, Mr. Gladstone, after the deliberate obstruction of the Irish members, introduced the closure. But, Sir, Mr. Gladstone was too great a man to be satisfied with such a method of dealing with the woes of Ireland. On the contrary, he was induced afterwards to study the case of Ireland; he did study it, and he came to the conclusion that the best and only manner of redressing the long-endured woes of Ireland was at least to try to give to Ireland self-government according to the will and constitutional character of the Irish people. There are two pages in the life of Mr. Gladstone. There is a page in which he

introduced the closure, and there is the page in which he sought by conciliation to give justice to Ireland. Our friends opposite select the first page; we select the last.

An Appeal to the People, Not Closure, the Proper Method.

As I have said, there are some occasions on which there is a cleavage between the majority and the minority, and then there is an easy remedy, an easy solution. The remedy is not closure; it is not the application of brute force. The remedy is an appeal to the people. The people, after all, are the judge and the jury. The people, after all, are the parties to pass judgment as between the Government and the Opposition, as between the majority and the minority; and, Sir, the least I would have expected on such an occasion as this was that the Government of the day would have adopted that remedy, and not have resorted to closure. I am sure it was not a pleasant task that my right hon. friend performed to-day; and, for my part, when I compare my conduct with his conduct, I am proud that I resisted all applications for closure, and that when the time came I appealed to the people, as I did on reciprocity. My right hon. friend stated, not to-day but the last time when he spoke upon that question, that the remedy which I suggested was absurd, because, he said, if upon every occasion on which there was obstruction the Government were obliged to go to the country, we might every year have a general election. Let me tell my right hon. friend that there is no sense in such an objection, because obstruction cannot be of any avail unless it is backed up by a strong expression of public opinion, and unless it be on some most important question. If there were at any time in this House a political party so oblivious to the respect it owes to itself and to the country as to obstruct upon a trivial question, that party would lose all the confidence it might have in the country and any chance of ever again creating an impression upon the people. But, Sir, there is a better reason than that. When we come to discuss these constitutional questions, these questions of public policy, the best authority after all is the authority of history. Confederation will have been in existence forty-six years next July, and how many times has there been obstruction during these past forty-five years? Just four times before this year. Let me recall them. There was obstruction in 1885, in 1896, in 1908, and in 1911, and after I have mentioned the causes for the obstruction on these several occasions, I shall have furnished the most complete justification for the attitude we have taken upon the present occasion.

Instances of Obstruction in the Canadian Parliament.

There was obstruction in 1885. In that year the Government of Sir John A. MacDonald introduced a uniform franchise bill for the Dominion. Up to that date the franchise had been under the control of the several provinces, each province having its own franchise. While in two or three provinces there was manhood suffrage, in the others there was a diverse franchise, and we of the

Liberal party thought this system was the best. After all, the franchise is a question of education; it is a question which interests the people themselves directly, and we thought it better to leave it directly in the hands of the people through their provincial legislatures. We fought the Dominion Franchise Bill night and day. True, we did not defeat the Bill; but our tactics resulted in the embodiment of important amendments which otherwise we could not have obtained. We compelled Sir John MacDonald to accept many of our proposals. While the list is too long to name them all, let me say that by our attitude we obtained the right to appeal from the decisions of the revising officers, and that alone was worth all the fight we made for it.

There was obstruction in 1896, and what was the occasion of that? The Government of that day undertook to deal with the Manitoba school question, which had been underfoot for six long years before them, and had been debated and debated again. The Government did not dare to give a decision on the question until at last in 1896, in the dying days of a moribund parliament, it introduced a measure for the purpose of giving satisfaction to the minority; in which there was not enough to give justice to the minority, but in which there was enough and more than enough to irritate the majority and to make them feel that a grievous wrong had been perpetrated on them. We fought that measure and we obtained what we were asking for. We were asking that that measure should be referred to the people. It was in the dying days of a moribund parliament, and justice demanded that the people should pronounce upon it. If the resolution which my right hon. friend the Prime Minister has to-day introduced had been in existence then, Parliament would have been gagged, and that great wrong would have been inflicted not only on the people of one province but upon the whole people of the Dominion, with consequences which it would be impossible to estimate. These are some of the reasons which make me say that the position taken by the Prime Minister to-day, and which he says he is taking on behalf of parliamentary government, is opposed to the very essence of a fair system of parliamentary government.

There was obstruction again in 1908, and what was the occasion? The Government of which I was the head had introduced an election measure providing for voters' lists for British Columbia, Manitoba, and the unorganized portions of Ontario; and the minority, the Conservative party, took issue with us. I am bound to say that the appeal they made to us impressed me. I thought there was fairness in some of the points taken by the Opposition of the day, and the consequence was that, having consulted my colleagues, we offered a compromise, which was accepted. The obstruction on that occasion, as we know, came from the Conservative party. I found no fault with it; I never whined. I thought it consistent with my dignity as a man and as the head of the Government, feeling we might be to some extent in the wrong, to hold out the olive branch to the other side and to end the difficulty by compromise. After all, is not that better than closure?

The other occasion on which there was obstruction was in 1911
Some hon. MEMBERS: Hear, hear.

Sir WILFRID LAURIER: I see that some hon. gentlemen on the other side of the House remember that; so do I. We introduced the reciprocity measure on the 26th of January, and on the 28th of July we had not yet been able to obtain even a preliminary vote upon it. We had been met at every step by obstruction from the Conservatives, then in opposition; dilatory motions of every kind were made, speech after speech was delivered day in and day out, even in the dog days of summer. I did not complain; I did not whine. Two courses were open to me. I could have done as is done to-day by the Prime Minister; I could have introduced the closure and said that we must carry on the business of the Government and that, consistently with our dignity, we could not allow obstruction. But there was another course open to me, and that was an appeal to the people; and I advised my colleagues to give the hon. gentlemen of the Opposition the opportunity of appealing to the people. We appealed to the people and we were defeated. Heaven is my witness that I would rather stand here to-day, defeated and in opposition by that appeal to the people, than stand over there in office by the power of the gag.

Some hon. MEMBERS: Hear, hear.

Sir WILFRID LAURIER: Here is the position—

Mr. SPEAKER: Order. I would appeal to the House to keep some semblance of order, and to allow the business of the House to go on.

Liberal and Conservative Methods Contrasted.

Sir WILFRID LAURIER: Here is the position of the two parties. For my part I desire nothing more than that the people shall pronounce once more. I do not envy the position which my right hon. friend takes to-day. This is the first introduction in Canada of machine politics. My hon. friend the Minister of Public Works (Mr. Rogers) told us recently that he knows how to win elections. He did not tell us the methods, however.

Some hon. MEMBERS: We know them.

Sir WILFRID LAURIER: We know some of these methods. If an election takes place in British Columbia, or in Nova Scotia, lavish promises for public works are made. It may not be a federal election; it may be a provincial election. But my hon. friend has tried his hand in provincial elections also, not always with complete success. If there is an election in Antigonish a letter is sent by the Minister with abundant promises of public works. If there is an election in Richelieu, it is not a letter which is sent there, but an emissary with his hands full of promises. If it is an election in Macdonald, there is a warning sent out that all those who stand for freedom shall be put in jail. We have not yet come to that in this House, I admit. We are not threatened with durance vile. It is not alleged that we shall be sent to jail. I do not know but

that we may not be thankful for so much. After all, what is proposed is that we shall be treated just as men in Macdonald were treated, we shall be gagged and shall speak no more, or, if allowed to speak, we shall be allowed to speak twenty minutes. My right hon. friend did not know whether he had not been too generous in giving us twenty minutes. He thought we should do better in five minutes than in twenty. I do not know but we should be thankful to him for that much; but we know what we are to expect from these new rules. I had proposed to move this amendment, if the action of my hon. friend the Minister of Marine and Fisheries had not cut the ground from under my feet:

'That the House do not proceed with the consideration of the resolution, but that it be referred to a special committee to assist Mr. Speaker in the examination of the same, and to report upon it, according to the established and binding rules of this House.'

In 1867, when Parliament was first organized after Confederation, the first thing it had to do was to establish rules for its guidance. How was that done? By resolution moved in the House? No. The rules were prepared by a special committee. After this committee had reported, they were referred to the Committee of the Whole, and again discussed. You will find the record in the Journals of the House of the 20th of December, 1867:

'Resolved that this House will immediately resolve itself into a committee on the report of the Select Committee appointed to assist Mr. Speaker in framing rules and regulations for the Government of this House. The House accordingly resolved itself into the said committee; and at some time spent therein, Mr. Speaker resumed the Chair; and Mr. Macdonald (Glengarry) reported that the committee had gone through the rules and regulations, and made amendments thereunto.'

The Proper Procedure in Amending Rules of the House.

This procedure has always been followed afterwards when the rules have been amended. This would have been the proper method to follow; but my right hon. friend to-day had resolved to gag the House and not to allow free discussion in Committee of the Whole or in a special committee. There are many reasons why the rules which we are now discussing should be discussed in the Committee of the Whole. Nobody can contend that they are complete. Indeed it is not possible to pass them as they are, because in some points they do not convey the meaning of those who framed them. That point has been taken up by my hon. friend who sits by my side (Mr. Pugsley). For instance, what is the meaning of this rule:

'Every motion heretofore debatable made upon routine proceedings, except adjournment motions and every motion standing on the order of the proceedings for the day, or for the concurrence in a report of a standing or a special committee, or for the previous question, or for the third reading of a bill, or for the adjournment of the House when made for the purpose of discussing a definite matter of urgent public importance, or for the adoption, in Committee of the Whole, or of Supply, or of Ways and Means of the resolution clause, section, preamble or title under consideration shall be debatable; but all other motions shall be decided without debate or amendment.'

My right hon. friend tells us that a motion for a committee of investigation upon the conduct of a member, such as was moved recently by my hon. friend from St. Hyacinthe (Mr. Gauthier), would come under routine proceedings. Is any man serious in telling me that a motion of that character, impeaching the conduct of a member of the House, is a routine motion? What an absurdity that is. Routine motions are motions which are made every day for the conduct of the business of the House. To tell us that a motion which is made perhaps once in twenty years, or once in five or ten years is a routine motion is too much for the intelligence or the common sense of any man. The only comment which we heard upon this point by my right hon. friend the Prime Minister was this, that so long as he is in the place which he now occupies we have nothing to fear—that such a motion will always be treated as a routine motion. My right hon. friend is not immortal, unfortunately. There is always a possibility of accidents. What would happen, for instance, if his place were to be taken by his neighbour (Mr. Rogers)? If we are to trust to the good will of my hon. friend, Heaven help us! We want the rules framed so as to convey the true meaning of the gentlemen who framed them. In this case the proposed rules should be referred to the Committee of the Whole, there to be thoroughly discussed and canvassed.

The Real Purpose of the Closure and Amendments Proposed.

Clause (4) of the resolution reads in this way:—

‘On Thursdays and Fridays when the Order of Day is called for the House to go into Committee of Supply, or of Ways and Means, Mr. Speaker shall leave the Chair without putting any question, provided that, except by the consent of the House, the estimates of each department shall be first taken up on a day other than Thursday or Friday’.

My hon. friend beside me took the point that this rule will put it in the power of the majority to have the Committee of Supply sit only on Thursdays and Fridays. The Prime Minister took at once a different interpretation. He said it meant unanimous consent, and to make it sure he offered to put in the word ‘unanimous.’ I was a little surprised, I must say, at that; but it is not hard to understand what he was after. He knew that the Minister of Marine and Fisheries was to move immediately thereafter the previous question, and that therefore this could not be amended. But I am too old a bird to be caught by that snuff. I thought something might be coming. I would not accept it because I had another amendment to move to that proposed rule. I wanted to move the excision of the whole of this clause 4. I ask it of the fair play of gentlemen on the other side, if their fair play is not all a mockery. Why should this clause be here at all? It has been said that this motion of closure is necessary in order to pass the Naval Bill. But this clause has nothing to do with the naval question at all; it is simply intended to deprive the minority of the most valued weapon that a British subject has had from the days when

parliamentary government began, that is to say, to demand the redress of grievances before Supply is voted. Here it is in plain words:

'On Thursdays and Fridays when the Order of the Day is called for the House to go into Committee of Supply or Ways and Means, Mr. Speaker shall leave the Chair without putting any question.'

Why should Mr. Speaker on Thursday and Friday leave the Chair without putting a question? To prevent the Opposition from moving motions concerning the conduct of the Government of the day. Parliamentary government in England goes back many ages. England, up to the time of the French revolution, was the only country in the world in which the people were taxed only with their own consent, and in which the people, when giving their consent to be taxed, presented their grievances to the King. In every other country of Europe, even the most civilized, the people were taxed by the Sovereign without reference to their means to pay taxes. They had not the power to declare that they would not be taxed by their own consent. But in England the subject would not pay a penny of taxation except by his own free will; and when he was asked to tax himself, then he had his opportunity to present grievances to the King. That most valuable right of the British subject has been in existence for six hundred years; and it is proposed to-day to deprive us of it. This is applying the gag with a vengeance.

The Consequences of Injustice

Let me repeat to my right hon. friend: As you sow, so shall you reap; as you are fair so shall you meet with fairness; as you are unjust, so shall you meet with injustice. My right hon. friend two years ago took a certain attitude on the Reciprocity Bill; he has no right to complain if the same method that he made use of is applied to him in the present case. My right hon. friend has not forgotten the words of Shakespeare:

"—this even handed justice

Commends the ingredients of our poisoned chalice

To our own lips."

The poison that he offers to us to-day will come to his own lips at some future day. We are in the minority; we can be gagged; we can be prevented from expressing our opinions; they can trample upon our rights. But, Sir, the day of reckoning will come, and it will come as soon as we have a dissolution of the present Parliament.

161

3816 x 8 ✓

